



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

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CERTIFIED MAIL

Richard A. Nylén, Esq.
Lynch DeSimone & Nylén, LLP
12 Post Office Square
Boston, Massachusetts 02109

June 15, 2007

Re: NEWBURYPORT - Solid Wastes/COR
Crow Lane Landfill
Superior Court Civil Action No. 06-0790 C
Preliminary Injunction
Paragraph 9 – Notice of Noncompliance
Odor Nuisance Conditions
FMF No. 39545

Dear Attorney Nylén:

The Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Section (the "MassDEP") has confirmed as described herein that releases of malodorous landfill gas from the Crow Lane Landfill in Newburyport, Massachusetts occurred on June 8, 2007 and resulted in the occurrence of nuisance odors in the residential neighborhood to the south of the Landfill in violation of sections 310 CMR 7.01 and 310 CMR 7.09 of the Massachusetts Air Pollution Control Regulations and section 310 CMR 19.117 et seq. of the Massachusetts Solid Waste Regulations..

MassDEP, New Ventures and the City of Newburyport received at least three complaints (3) from at least three (3) different residents of the neighborhood to the south of the landfill of noxious odors from approximately 12:00 AM to 6:30 AM on June 15, 2007. These odor reports coincided with the detection of hydrogen sulfide gas by the Jerome Meter located at concentrations of 3 to 17 parts per billion by the Jerome Meter located to the south of the landfill



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in the ambient air monitoring station at 3 Charmanski Drive. In addition to this incident, MassDEP has received persistent odor complaints for the last several weeks.

Pursuant to paragraph 9 of the preliminary injunction entered on October 20, 2006 in Suffolk Superior Court, Civil Action No. 06-0790 C, as amended by order of the Court on November 1, 2006 and February 22, 2007 (the "Order"), this letter serves as written notice to your client, New Ventures Associates, LLC ("New Ventures") of violations of 310 CMR 7.01 and 7.09, 310 CMR 19.117 and the Order. New Ventures shall immediately take any and all actions necessary to abate and eliminate the occurrence of the nuisance odors and to comply with 310 CMR 17.01 and 7.09 *et seq.* and 310 CMR 19.117 *et seq.* and the Order.

In order for you to address the persistent odor problems and remain in compliance with the Order, SITEC should conduct a comprehensive evaluation of the landfill and gas collection, treatment and combustion systems to identify sources of odor and causes of this noncompliance and, within seven days of receipt of this letter, submit a written report to MassDEP which explains the measures that have been taken or will be taken to address odor sources and causes and a schedule for the completion of response actions not yet already taken.

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the
Massachusetts Department of Environmental Protection.
A signed copy of this document
is on file at the DEP office listed on the letterhead.**

John A. Carrigan, Chief
Solid Waste Management Section

Certified Mail Number: 7006 2760 0000 3984 3224

JAC/jac

Cc: John Morris, Director
City of Newburyport
Health Department
60 Pleasant Street
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Newburyport

New Ventures Associates LLC (aka Crow Lane Landfill)

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Notice – Nuisance Odors

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Bruce Vogel

City of Newburyport

City Council

Email Address: wardfive@comcast.net

Michael Dingle

MassDEP/OGC-Boston